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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,048	11/21/2001	Dennis Tribble	3946/0K020	3800

7590 08/23/2005

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EXAMINER	
TO, BAOQUOC N	
ART UNIT	PAPER NUMBER
2162	

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/991,048	TRIBBLE ET AL.	
	Examiner	Art Unit	
	Baoquoc N. To	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 September 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *02/2003, 03/2003*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-30 are pending in this application.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 02/10/2003 and 03/05/2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiederhold et al. (US 6,226,745) in view of Walker et al. (US. Patent No. 5,883,370).

Regarding on claim 1, Wiederhold teaches a method for selectively trapping data streams intended for a pharmacy, comprising the step of: (a) trapping a printer output stream of an order entry system (intercepts queries coming in) (col. 4, lines 57-60); (b) parsing the output stream for prescribed information (checking the query with rules) (col. 5, lines 1-10); (c) testing the parsed output stream against an order database to determine suitable for automated handling by a medication preparation system associated with the pharmacy (blocking the query using rules) (col. 4, lines 64-67);

Wiederhold does not explicitly teach releasing only those portions of the output stream that are not suitable, the release output stream being printed for manual handling. However, Walker also discloses "the prescription vial label is printed only if a match has been confirmed" (col. 7, lines 4-5). This portion of Walker teaches label that is printed only if a match has been confirmed, if it is not matched, then prescription label is handle manually. This implication discloses the above mentioned limitation. Therefore, it would have bee obvious to one ordinary skill in the art a the time of the invention was made to modify Wiederhold's system to include printing process of Walker in order to use less man power to produce the medication labels.

Regarding on claim 2, Wiederhold teaches the step for populating a data structure with a data parsed from the printer output stream in accordance with a set of configuration rules (col. 5, lines 1-10).

Regarding on claim 3, Wiederhold teaches the printer output stream identifies a particular listener software ("LSM"), and wherein the parsing step comprises parsing the printer output stream in accordance with set of configuration rules (col. 5, lines 1-10).

Regarding on claim 4, Wiederhold teaches the step of populating a data structure with data parsed from the printer output stream in accordance with the set of configuration rules (col. 5, lines 1-10).

Regarding on claim 5, Wiederhold teaches parsing the step further comprises testing the output stream for a beginning of serial data stream character (validating the query with rules) (col. 4, lines 64-67).

Regarding on claim 6, Wiederhold teaches the trapping step comprises saving the output stream as a record in a database.

Regarding on claim 7, Wiederhold teaches the step of associated metadata stream as a record in database (col. 4, lines 57-67).

Regarding on claim 8, Wiederhold teaches the printer output stream is from a listener software module ("LSM") (mediator) (col. 3, liens 47-40) and the metadata for each record identifies the trapped printer output stream as being from that said LSM (col. 4, lines 57-67).

Regarding on claim 9, Wiederhold teaches the metadata includes a marker indicative of whether a given record has been parsed (col. 5, lines 5-10).

Regarding on claim 10, Wiederhold teaches the additional step of querying the database to identify a subset of records marked as not having been parsed (col. 4, lines 53-55).

Regarding on claim 11, Wiederhold teaches the parsing step includes the steps of: (a) retrieving the subset of records (col. 5, lines 1-10); and

(b) parsing the subset of records in accordance with set of configuration rules (col. 5, lines 1-10).

Regarding on claim 12, Wiederhold teaches the additional step of populating a data structure with data parsed from each retrieved record in accordance with the set of configuration rules (col. 5, lines 1-10).

Regarding on claim 13, Wiederhold teaches the printer output stream is from a listener software module ("LSM") (mediator), the metadata for each record identifies

the trapped printer output stream as being from that said LSM, and the set of configuration rules is prescribed for that said LSM (col. 4, lines 57-67 and col. 5, lines 1-10).

Regarding on claim 14, Wiederhold teaches the additional step of populating a data structure with data parsed from each retrieved record in accordance with the set of configuration rules (col. 5, lines 1-10).

Regarding on claim 15, Wiederhold teaches the additional step of printing the released output stream onto an adhesive label (grant the result to the requester) (col. 5, lines 1-10).

Regarding on claim 16, Wiederhold teaches the testing step comprises testing whether the printer output stream was trapped correctly (col. 5, lines 1-10).

Regarding on claim 17, Wiederhold teaches the testing step performs a checksum test (validating) on the printer output stream (col. 5, lines 1-10).

Regarding on claim 18, Wiederhold teaches the printer output stream of the order entry system includes a drug order and wherein the drug order fails the testing step as not suitable for automated handling by the medication preparation system under one or more of the following conditions:

1. the automated medication preparation system cannot recognize a drug code included in the drug order (col. 9, lines 5-25);

2. the automated medication preparation system recognizes the drug code but does not handle the drug specified in the drug order and therefore cannot fill the drug order (col. 9, lines 5-25).

3. the automated medication preparation system recognizes the drug code and ordinary can fill the drug order, but does not have the required drug in stock at the present time (col. 9, lines 5-25).

Regarding on claim 19, Wiederhold teaches the additional step of routing a suitable order to a schedule for handling in accordance with a prescribed priority (col. 5, lines 1-5).

Regarding on claim 20, Wiederhold teaches a serial interface, comprising:

(a) at least one listener software module ("LSM") executing on a first machine, the LSM receiving serial data streams from a port of the first machine (the interceptor module) (col. 4, lines 57-59); (b) a parser software module (validate module) ("PSM") communicatively connectable to the LSM and executing on a second machine, the PSM processing the serial data streams received from the LSM to extract data therefrom an populate a data structure therewith (the security module check on the query result to grant or reject the inquiry) (col. 5, lines 1-10) ; and (c) a set of rules (violation rules) accessible by the PSM, the set of configuration rules defining the manner of processing by the PSM on the serial data streams from a prescribed LSM, wherein the data structure enables data handling by an automated medication preparation system (col. 4, lines 57-67). Wiederhold does not teach the automated medication preparation system. However, Walker teaches data structure enables data handling by an automated medication preparation system (col. 7, lines 4-5). Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify Wiederhold's system to include an automated

prescription labeling system as taught by Walker in order to use less man power still provide the labeling medication system for the patients.

Regarding on claim 21, Wiederhold teaches the PSM communications with only one LSM (col. 4, lines 52-53).

Regarding on claim 22, Wiederhold teaches the first and second machines are the same machine (col. 5, lines 28-31).

Regarding on claim 23, Wiederhold teaches the serial data stream identifies a particular LSM and wherein the set of configuration rules used for processing the serial data stream by the PSM is selected for the identified LSM (col. 5, lines 5-10).

Regarding on claim 24, Wiederhold teaches the LSM saves the received serial data streams as a record in a database (col. 6, lines 10-15).

Regarding on claim 25, Wiederhold teaches the LSM associates metadata with the received serial data streams (col. 6, lines 10-15).

Regarding on claim 26, Wiederhold teaches the metadata includes a marker indicative of whether a given a record has been parsed (result is check) (col. 5, lines 1-10).

Regarding on claim 27, Wiederhold teaches the PSM is configured to query the database and identify a subset of records marked as not having been parsed (col. 4, lines 52-53).

Regarding on claim 28, Wiederhold teaches the PSM is further configured to retrieve the subset of records and parse the subset of records in accordance with the set of configuration rules (col. 4, lines 57-67).

Regarding on claim 29, Wiederhold teaches the processing by the PSM includes selectively printing portions of the received serial data stream onto a adhesive label (col. 6, lines 30-40).

Regarding on claim 30, Wiederhold teaches the PSM is configured to route the data in the populated data structure to a scheduler for handling in accordance with a prescribed priority (col. 5, lines 1-5).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-4041 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at 571-272-4107.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

(571) –273-8300 [Official Communication]

Baoquoc N. To
August 20, 2005

JEAN M. CORRIELUS
PRIMARY EXAMINER